

1. Plaintiffs, Lisa Holland and Vincent Holland, are citizens of the Commonwealth of Pennsylvania with a primary residence in Nazareth, County of Northampton, Commonwealth of Pennsylvania. See a true and accurate copy of the Summons, Complaint and transmittal envelope, attached hereto as Exhibit A.

2. Defendant, Best Buy Co., Inc., is incorporated in Minnesota, with its principal place of business at 7601 Penn Avenue South, Richfield, Minnesota.

3. On or about July 19, 2022, plaintiff filed a Complaint in the Court of Common Pleas, Northampton County, Case No. C48CV2022-004461, styled Lisa Holland Vincent Holland, Wife and Husband v. Best Buy Co., Inc. (the “State Court Action”). See Exhibit A.

4. Defendant was served with the Complaint on or about July 18, 2022. See a true and accurate copy of the transmittal envelope with date and time stamp, attached hereto as part of Exhibit A.

5. The Complaint purports to assert a cause of action in negligence against defendant stemming from an alleged incident that occurred on or about August 7, 2020. According to the Complaint, plaintiff Lisa Holland alleges that she was struck by a plexiglass partition while waiting for assistance at the Geek Squad counter at the Best Buy store located at Shoppes At Stroud, 300 Shoppes Stroud, in Stroudsburg, Pennsylvania. See Exhibit A, ¶¶ 7-10.

6. Plaintiff Lisa Holland alleges that she suffered a cervical injury, injuries to her hip and lower back, a concussion resulting in post-concussive syndrome, other serious physical injuries, and “great mental anguish, physical pain and humiliation” and loss of enjoyment of life, happiness and pleasure of life as a result of the August 7, 2020 incident. See Exhibit A, ¶¶ 12, 22, 23, 26.

7. Plaintiff Lisa Holland further alleges that she has expended and will continue to expend “various and diverse sums of money for medical treatment, medication, therapy and rehabilitation”, and is still seeking medical treatment, for injuries suffered in the subject incident. See Exhibit A, ¶¶ 12, 27, 28.

8. Plaintiff Lisa Holland further alleges that she was unable to pursue her occupation for a period of time following the August 7, 2020 incident, and has suffered a loss of earnings and diminution of earning capacity. See Exhibit A, ¶¶ 24-25.

9. Plaintiff Vincent Holland asserts a loss of consortium claim in this case. See Exhibit A, Count III.

10. The relief that plaintiffs seek includes, *inter alia*, compensatory damages for the injuries sustained.

**Diversity Jurisdiction Under 28 U.S.C. § 1332(a)**

11. This Court has jurisdiction over this matter under 28 U.S.C. § 1332(a), because there is complete diversity of citizenship between plaintiffs and defendant and more than seventy-five thousand dollars (\$75,000.00), exclusive of interest and costs, is at stake.

12. In the Complaint, plaintiffs state that they citizens of the Commonwealth of Pennsylvania with a primary residence in Nazareth, County of Northampton, Commonwealth of Pennsylvania.

13. Defendant, Best Buy Co., Inc., is a Minnesota corporation with its principal place of business in Minnesota. Therefore, defendant, Best Buy Co., Inc., is a citizen of the State of Minnesota.

14. Plaintiff Lisa Holland alleges in the Complaint that she suffered a cervical injury, injuries to her hip and lower back, a concussion resulting in post-concussive syndrome, and other serious physical injuries, as well “great mental anguish, physical pain and humiliation” and loss of enjoyment of life, happiness and pleasure of life as a result of the August 7, 2020 incident. See Exhibit A, ¶¶ 12, 22, 23, 26. Plaintiff Lisa Holland further alleges that she has expended and will have to continue to expend “various and diverse sums of money for medical treatment, medication,

therapy and rehabilitation”, and is still seeking medical treatment, for injuries suffered in the subject incident. See Exhibit A, ¶¶ 12, 27, 28. She further alleges that she was unable to pursue her occupation for a period of time following the August 7, 2020 incident, and has suffered a loss of earnings and diminution of earning capacity. Id., ¶¶ 24-25. Plaintiff Vincent Holland also asserts a loss of consortium claim in this case. Id., Count III. Thus, it is reasonably believed by defendant that there is over seventy-five thousand dollars (\$75,000.00) in controversy and the jurisdictional threshold under 28 U.S.C. § 1332(a) is satisfied.

**All Procedural Requirements for Removal Have Been Satisfied**

15. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of all of the process, pleadings, orders, and documents from the State Court Action which have been served upon defendant are being filed with this Notice of Removal.

16. This Notice of Removal has been filed within 30 days of the date that defendant was served with the Complaint in this matter. Removal is therefore timely in accordance with 28 U.S.C. § 1446(b).

17. Venue is proper in this Court pursuant to 28 U.S.C. § 1441(a) and 1446 (a) because the United States District Court for the Eastern District of Pennsylvania is the federal judicial district embracing the Court of Common Pleas of Northampton County, where the State Court Action was originally filed.

**Conclusion**

By this Notice of Removal, defendant, Best Buy Stores, L.P., improperly pleaded as “Best Buy Co., Inc.”, does not waive any objections it may have as to service, jurisdiction or venue, or any other defenses or objections it may have to this action. Defendant intends no admission of fact, law or liability by this Notice, and expressly reserves all defenses, motions and/or pleas.

Dated: August 15, 2022

*John V. Petrycki, Jr.*

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**CERTIFICATE OF SERVICE**

This is to certify that the foregoing NOTICE OF REMOVAL, with exhibits, was sent to Issac A. Hof, Esquire and J. Randall Keiser, Jr., Esquire, attorneys for plaintiffs, *via* facsimile at (610) 258-0390 and first-class mail to Hof & Reid, LLC, CrownPointe Corporate Center, 3101 Emrick Blvd., Suite 205, Bethlehem, PA 18020, on August 15, 2022.

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